IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3353 of 2005

Between:

Kumari Pallapothula Ramanjulamma, D/o Dasthagiri Reddy,
R/o Sankarapuram Village, Proddatur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Joint Collector, Kadapa District.
2 The Revenue Divisional officer, Jammalamadugu, Kadapa

District.
3 The Mandal Revenue officer, proddatur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in issuing Ref.B/107/2005, dated 20-01-2005 as arbitrary, illegal and unconstitutional and consequently direct the Respondents to continue the petitioner as FP shop dealer of Sankarapuram village, proddatur Mandal, Kadapa District.

Counsel for the Petitioner: MR.S.DUSHYANTH REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a dealer of the fair price shop at Sankarapuram Village, Proddatur Mandal, Kadapa District. Through his proceedings, dated 20.01.2005, the 2nd respondent suspended her authorization, on the ground that proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'), were initiated and that certain discrepancies were noticed in the stocks. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for stay. Her grievance is that the 1st respondent has not passed any orders in the stay application.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 20.01.2005, passed by the 2nd respondent discloses that the Mandal Revenue Officer, the 3rd respondent, visited the shop of the petitioner on 12.10.2004, and on noticing certain discrepancies as to maintenance of stocks, he effected seizure and initiated proceedings under Section 6-A of the Act before the 1st respondent. On that very basis, the authorization of the petitioner was suspended, pending enquiry. The A.P. State Public Distribution System Control

Order, 2001, empowers an appointing authority to suspend the authorization, if it emerges that proceedings under Section 6-A of the Act are initiated against such dealer.

Inasmuch as the pendency of the proceedings under Section 6-A constituted the basis for suspension, the 1st respondent cannot be expected to deal with the appeal preferred against the order of suspension independently. Instead, he can be directed to club the proceedings under Section 6-A initiated against the petitioner as well as the appeal preferred by her, and dispose of the same without any further delay.

Hence, the writ petition is disposed of directing that the 1st respondent shall club the proceedings under Section 6-A of the Act initiated against the petitioner as well as the appeal preferred against the order of suspension dated 20.01.2005, and pass appropriate orders thereon, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

TS

To

1 The Joint Collector, Kadapa District.
2 The Revenue Divisional officer, Jammalamadugu, Kadapa

District.
3 The Mandal Revenue officer, proddatur, Kadapa District.

4 2 CCs to G.P. for Civil Supplies, High Court Buildings,

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